

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

Northern Division

CANDACE CORLEY

Plaintiff,

V.

CPC LOGISTICS, INC.

Defendant.

CIVIL ACTION NO.
2:07 CV 396-mht
COMPLAINT
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of the Civil Rights Act of 1991, for unlawful employment practices on the basis of sex, female, and retaliation and to provide appropriate relief due to Candace Corley ("Corley") who was adversely affected by such practices. As stated with greater particularity in the paragraphs below, the Plaintiff alleges that Defendant discriminated against her because of her sex by subjecting her to sexual harassment in violation of Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant provisions including 28 U.S.C. Section 451, 1331, and 1343. This action is authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.

Section 2000e, et seq. ("Title VII") and Section 102 of Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Middle District of Alabama.

PARTIES

3. Plaintiff, Candace Corley is a resident of Deatsville, Alabama.
4. Defendant, CPC Logistics, Inc., was at all relevant times a Missouri corporation qualified to do business in Alabama, continuously doing business in the State of Alabama and the City of Montgomery, and continuously had at least 15 employees. Actions complained of herein occurred in Montgomery County, Alabama.
5. At all relevant times, Defendant was an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Section 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. All conditions precedent to the institution of this lawsuit have been fulfilled. On June 7, 2006, Candace Corley filed an EEOC Complaint. On February 7, 2007, the United States Equal Opportunity Commission issued a Notice of Rights, a copy of which is attached as Exhibit A.

7. Since at least January 2005, Defendant has engaged in unlawful employment practices in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. 2000e-2(a) and 2000e-3(a).
 - a. Candace Corley began working for Defendant at its Montgomery, Alabama facility on or about January 2005.
 - b. At that Mike Hendrick was working as a supervisor at Defendant's Montgomery, Alabama facility.
 - c. From February 2005 through May 16, 2006, Mr. Hendrick regularly made unwelcome sexual advances and highly offensive sexual comments to Plaintiff. At all relevant times Mr. Hendrick was Plaintiff's direct supervisor. Despite Plaintiff's continued refusal of each advance proffered by Mr. Hendrick, Mr. Hendrick's activities increased. Defendant was aware of Mr. Hendrick's unlawful behavior.
 - d. On May 15, 2006, Mr. Hendrick approached Ms. Corley at the end of the work shift and demanded that Ms. Corley come by his house the next morning and indicated he wanted to discuss work matters. Upon arriving at Mr. Hendrick's home, he requested that Ms. Corley show him her breasts. Ms. Corley declined. Subsequently, Mr. Hendricks presented Ms. Corley with a sexual aid, commonly known as a vibrator, and asked to watch her utilize the item on herself. Ms. Corley declined, and left Mr. Hendrick's home to go to the facility.
 - e. On May 19, 2006, Plaintiff reported the events of May 16, 2006 to Defendant.

8. The effect of the unlawful employment practices complained of in paragraph seven (7) above has been to deprive Candace Corley of equal employment opportunities, and otherwise adversely affected the terms and conditions of her employment and constituted a hostile work environment and harassment because of her sex.
9. The unlawful employment practices complained of above were intentional.
10. The unlawful employment practices complained of in paragraph seven (7) above were done with malice or with reckless indifference to the federally protected rights of Candace Corley.

PRAYER FOR RELIEF

Wherefore, the Plaintiff requests that this Court:

11. Order Defendant to institute and carry out policies, practices, and programs, which provide equal employment opportunities for women, which eradicate the effects of its past and present unlawful employment practices.
12. Order Defendant to make whole Candace Corley by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.
13. Order Defendant to make whole Candace Corley by providing compensation for past and future pecuniary losses resulting from the employment practices described in paragraph seven (7) above, including but not limited to, out-of-

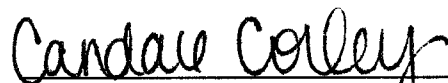
pocket losses, medical expenses and job search expenses, in amounts to be determined at trial.

14. Order Defendants to make whole Candace Corley by providing compensation for past and future nonpecuniary losses resulting from the employment practices described in paragraph seven (7) above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.
15. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraph seven (7) above, in an amount to be determined at trial.
16. Grant such further relief as the Court deems necessary and proper in the public interest.
17. Award the Plaintiff her costs of this action, including expenses and attorney's fees.

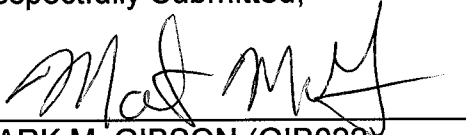
JURY TRIAL DEMAND

The Plaintiff requests a jury trial on all questions of fact raised by its
Complaints.

Respectfully Submitted,


Candace Corley

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark M. Gibson', written over a horizontal line.

MARK M. GIBSON (GIB022)
Attorney for Candace Corley
Almon & Gibson, LLC
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Birmingham, AL 35223
Phone: (205) 445-0895
Fax: (205) 445-0898

Serve Defendant at:
CPC Logistics, Inc.
C/o The Corporation Company
Suite 204
2000 Interstate Park Drive
Montgomery, AL 36109-5421

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Candice Corley
324 Maribeth Loop
Deatsville, Alabama 36022

From: Birmingham District Office
Ridge Park Place
1130 22nd Street South, Suite 2000
Birmingham, AL 35205

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
420 2006 03183	Rita W. Sterling, Investigator	(205) 212-2060

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) _____

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS from your receipt of this Notice**; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Delner Franklin-Thomas, District Director

2-7-07

(Date Mailed)

Enclosure(s)

cc: Mark M. Gibson
Almon & Gibson
Attorneys At Law

Henry C. Barnett, Jr.
Capell & Howard, P.C.
Attorneys At Law